

REMARKS/ARGUMENTS

The Examiner has taken the position that amendments to claim 1 in the paper filed December 18, 2006 were not fully responsive and has deemed all pending claims constructively withdrawn and therefore has inferentially invited correction. Accordingly, and without agreeing or disagreeing with the Examiner as to substance and reserving the right to pursue claims of suitable scope and to expedite prosecution, the Applicant has herewith restored all claims and included in claim 1 the limitations as to the type of optical element. It is noted that the claims stand withdrawn by the action of the Examiner and not by cancellation with the consent of the Applicant.

As to the reasons for the Examiner's ruling of withdrawal, the Examiner advised that certain limitations are necessary so that the claims intended to be under examination remain limited to species D depicted in Figure 7, whereas the immediate prior amendment was considered to read on unelected species A of Figure 3, thereby prompting the ruling that all claims stand constructively withdrawn.

Specifically, herewith Claim 1 has been amended to reinstate the phrases "...in high gain..." and "...includes an optical modulator, an optical switch or a directional optical coupler and...".

This amendment has been presented as to claims that have never been canceled and with the explicit request that all claims pending as of December 18, 2006 be reinstated. Thus the present amendment to claim 1 is shown based on claim 1 after the entry of the amendment presented December 18, 2006.

The filing of the Request for Continued Examination caused that these claims and the prior amendment and arguments be entered. The Applicant now refers to the prior arguments in support of the present claims. The application should now be in condition for full and fair consideration of the present amendments and prior arguments on the merits.

CONCLUSION

In view of the foregoing and prior arguments and amendments, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/Kenneth R. Allen/

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